

**HAMMOND WIND ADVISORY COMMITTEE
REPORT TO THE HAMMOND TOWN BOARD
MARCH 28, 2011**

FORMATION

The Hammond Wind Advisory Committee was established by the Hammond Town Board in February 2010 and first met in March 2010. The Town Board had solicited volunteers from the community to take a comprehensive review of the wind law that had been enacted in December 2009 and make appropriate recommendations based on science and factual evidence. To provide the Wind Advisory Committee adequate time to commence their work and to protect the town from inappropriate development activity, the Town Board also instituted a six-month moratorium. After review of the applicants, Supervisor Bertram appointed the following ten residents:

**Lenny Bicklehaupt
Richard Champney, Esq.
Don Ceresoli, Jr.
Michele McQueer
Allan Newell
Ronald Papke
Fred Proven
Stephen D Sarfaty, PsyD.
Rudolph Schneider
Merritt Young**

The group held their organizational meeting on March 15, 2010 and was presented with the following ***Mission Statement*** by the Town Board:

The board will conduct a "hard look" investigation of industrial wind development with regards to the health, safety, and welfare of all residents and visitors, wildlife and domestic animals in the town of Hammond. This will also include the exploration of any economic impacts this type of development may have on the environment and property within the town.

The process will include the collection and examination of factual information and relevant experience from a variety of sources based on science that is current and defensible. Utilizing an approach that is unbiased, open, and transparent, the board will summarize the information and submit a written report of their findings and recommended mitigation strategies to the Hammond Town Board for review.

In addition to the ten members, David Duff was appointed to act as a non-voting facilitator during committee deliberations. Erica Demick was asked to act as Recording Note Taker at all meetings and deserves special recognition and thanks for the professional job she performed. The committee was empowered to organize itself with support of the facilitator to focus the meeting. It was the Supervisor's charge to have the committee take a careful, thorough, unbiased look at the issues related to the creation of an industrial wind project in Hammond, reach a consensus when possible, and make appropriate recommendations to any necessary changes to the law. This process resulted in 31 committee meetings over approximately a one year span of time, including both formal and informal visits to industrial wind projects, presentations by a number of individuals with expertise on various topics, reading a large

number of documents, reports and papers submitted from any and all sources, contacting county and state agencies and evaluating this input as it related to the circumstances in Hammond.

All meetings were open to the public with time provided for public input during each meeting. It should be noted that Iberdrola, a potential applicant, was represented at every meeting and they were provided frequent opportunity to participate in the process. The committee adopted a policy of its members not giving press interviews or otherwise providing public comments outside of the committee meeting to maintain focus on the common effort. The result of that study and review of the law follows.

BRIEF HISTORY

According to leases that were recorded with the St. Lawrence County Clerk's Office in Canton, NY, Atlantic Wind LLC, an Iberdrola Renewables subsidiary, first signed lease options with Hammond landowners in 2008. It formally made its interest known to the Hammond Town Board and the Town of Hammond residents at the February 2010 Town Board meeting when it expressed an interest in developing an industrial wind project to be designated the *Stone Church Wind* project. During that informal presentation, Iberdrola representatives stated the initial project included the towns of Hammond, Morristown, and Oswegatchie and an application to the New York Independent System Operator (NYISO) queue for inclusion into the state power grid was filed in 2008. Since that time, the company had decided to focus on Hammond only and was proposing to erect 75 (2MW) Gamesa wind turbines that would stand 476 feet tall (324' towers with 152' blades).

Iberdrola had been in Hammond gathering data since 2005, when the first of three Wind Measurement Towers was erected to obtain wind speed and related data intended to determine the viability of an industrial wind project in Hammond. That information has since been termed "proprietary information" and will not be made available to the Town Board. The additional two wind measurement towers were installed during the summer of 2010.

The Hammond Town board began its initial review of the wind issue when it established a wind committee in 2007 to develop a wind law that met requirements needed to protect the town's interest. There appears to have been a less exhaustive investigation of information available at the time and the end result was a law that closely followed the suggested wind law template provided by the St Lawrence County Planning Department which, in turn, was adapted from a New York State Energy Research and Development Agency (NYSERDA) whose objective is to work closely with wind developers to expand industrial wind projects in NYS. The first Hammond Local Wind Energy Facilities Law was passed by the Town Board in October 2008, but after it was pointed out by a group of town residents that the town board had made an error in the completion of the required State Environmental Quality Review (SEQR) process, the law was rescinded in December 2008. Throughout the next year, the Town Board undertook a more protracted review of the law resulting in the passage of the current Hammond Wind Energy Facilities Law on December 7, 2009. The current law continued to be drawn largely from the "model law" proposed by St. Lawrence County Planning Department and NYSERDA and still contained errors.

When the Wind Advisory Committee began to closely review the current law, it became apparent that the 33 dB C-weighted sound level in the current law was unrealistic, possibly an error or lack of comprehension by the then Town Board members. When Iberdrola's sound expert, Mark Bastasch, was asked by Fred Proven at the May 2010 wind committee meeting if

this proposed sound limit would prevent development in the Town of Hammond, Mr. Bastasch replied, "Yes, that that sound level would not be attainable." Later Iberdrola Project Manager, Jenny Burke, implored the Wind committee to revise the sound level. This glaring mistake led members of the committee to question the accuracy of other parts of the law as well and left them wondering just how protected the town really was. It soon became apparent that a review of the current wind law would become a much larger job than the committee initially imagined. To provide adequate time for the wind committee to undertake its challenging task of developing a law that protected the residents of Hammond, the new town board extended the moratorium by one year, which is now set to expire at the end of July 2011.

DISCOVERY/COMMENTS

COMPLEXITY: As the Wind Advisory Committee undertook its work, it became obvious to all of the members that this project was a major undertaking. In New York State, the residents of all towns enjoy a very strong home rule provision. That means that individual towns have sole control over their own destiny without the county or state making arbitrary decisions affecting our everyday life. It also means that individual towns have sole control over their own destiny potentially without adequate resources necessary to properly understand research, evaluate and/or implement or support a particular project or issue. There is no established provision for several affected towns to work together to share expenses or eliminate duplication of effort. Nor are there ready resources made available from the county or state, such as engineering or legal analysis. Support must be sought out, paid for and evaluated by each town. That means that any town that does not have the initiative, resources or understanding to deal with a complex issue like industrial wind can easily be overwhelmed by the developer or circumstances. Every member of the Wind Advisory Committee worked without monetary compensation and the research and analysis that was accomplished by the committee members was done so without any operating budget.

The first revelation that came to the committee was the magnitude of the task they were undertaking. When it comes to wind development, there are no simple "one answer fits all issues" solutions if one desires to do a credible job. The issues requiring investigation grew by the day and not all are reflected in the law. Further, it quickly became evident that many of the issues were interrelated, in that by addressing one; there was often an impact on another. To understand the scope of an Industrial Wind Project, each member had to come to understand the wind industry and then integrate that knowledge into the Town of Hammond environment.

GEOGRAPHY: The dimensions of Hammond are approximately eight miles long by four miles wide with a substantial waterfront on the northern, long side of Hammond facing the St Lawrence River and on Black Lake on the south side of Hammond. The land between the river and Black Lake is primarily flat offering little geographic opportunity to mitigate the view of 75 wind turbines. Just about every 476' wind turbine built would be seen by every resident.

The uniqueness of Hammond's size and orientation relative to the potential industrial wind development project can be seen when compared to Clayton, the location of another Iberdrola project proposal. Both towns have St Lawrence riverfront, but the project placement in Clayton is at the southern end of the town, seven miles away from the riverfront. Hammond does not have this option with the overlay district less than half of a mile, in some cases, only a few hundred yards from the waterfront. This substantial set back in Clayton addresses the waterfront avian issue and largely mitigates the view scape in question along the St. Lawrence.

LEVELS OF EVIDENCE: The committee undertook an early and repeated conversation regarding levels of evidence. Dr. Sarfaty shared definitions and procedures that are common practice in the medical field that broke the reports/analysis into three levels related to controlled trials, random studies, and expert opinion and observations. As the committee reviewed more and more analysis, it became clear that for the purpose of evaluating industrial wind related reports there was no clear process for ranking the input. The ability to do so varied with the subject. For example, the analysis of sound was very scientific and well developed, yet there were no widely accepted standards to be applied to industrial wind. It is critical to understand who is doing a report for what audience. Even with the best of analysis, there is always a chance something new will be discovered. The initial reports on this issue, funded primarily by the wind industry, strongly favored wind development. As more projects have come on line in the US, there seems to be an increase in reports questioning safety, negative environmental and wildlife impacts, noise and health impacts, and many other aspects of industrial wind. In part, that is because of an increase in non-industry funded analysis as more groups become involved and there are increasing numbers of industrial wind projects to be investigated. Similar responses regarding older first generation wind projects in Europe fit this pattern.

Another phenomenon that was observed was lengthy academic studies of some specific issue with pages of detailed observations, results and analysis, but no conclusions other than continuing the research. We often attributed this to the fact that there are few or no standards by which to judge the results. While the wind industry is more established in Europe, US industrial wind is a more recent development, and until recently had primarily concentrated its efforts in the west and midwestern areas of the country. Its expansion into more populated areas in the east has brought with it many significant issues that are now beginning to be looked at as potentially serious issues. The committee strongly urges the Town Board to carefully look at every piece of evidence carefully, pro or con, and to evaluate it as to what really makes sense and what is in the best interest of Hammond. What investigative methods were used; who funded the research; why was the report undertaken?

In addition, the absence of evidence does not necessarily mean there is evidence of absence. In other words, the absence of evidence of negative impact on birds and bats and tax base property value erosion is not, in the committee's opinion, adequate objective evidence of safety and neutral or positive property value impact. The Hammond Wind Advisory Committee was charged with basing recommendations on "sound, objective data" and not just opinion. No such data or conflicting data exists in these two key areas and it will take a minimum of three to five years and substantial expertise and money to properly collect and analyze these data.

STAYING CURRENT: The members of the Wind Advisory Committee strongly urge the Town Board to stay current on all aspects of the industrial wind issue. We found that there was new information coming out every day, some in support of industrial wind and some against. As an example of the rapidly changing landscape, the Province of Ontario, our immediate neighbor to the north, announced on February 11, 2011 that it was placing all new offshore wind projects on hold due primarily to environmental concerns and a lack of appropriate data. When debating the various issues, it was the consensus of the committee to error on the side of safety and caution. Regarding the welfare of all Hammond residents, the committee felt it would be a substantial time before any conclusive evidence would be forthcoming on many of the critical issues. This added to the frustration they were feeling when reaching consensus on recommendations.

INDUSTRIAL WIND POWER: The committee defined the term "Industrial Wind Power" as used throughout this report in the following way: "*any Wind Turbine installation that produces power for sale through the grid*". There are two options at present: Supply power into the grid; or

supply power to the structures on the property on which wind turbines are installed. The distinction between those two categories of wind power is simple:

- 1) Non-Commercial Wind Turbines are installed on a property to provide electricity to structures within that property's boundaries. Most are grid-connected, and any excess power produced can be sold back into the grid, however this excess power is minimal and incidental. NYSERDA currently limits the amount of excess power production to a maximum of ten percent more than a property's overall average power usage.
- 2) Industrial Wind Turbine installations are installed to produce electric power for sale through the grid. Most often this electricity is distributed to end users in locations remote to the Industrial Wind Turbines actual location but is not set up to feed the locality in which the power is produced.

We have chosen to use the term Industrial Wind Power with the understanding that it may be criticized as "biased". We would simply point out that the phrases "Wind Farms", "Harvest the Wind" and other terms adopted by wind developers are also biased, but in the direction that the wind industry would like to shape perception for the purpose of making Industrial-Commercial Wind Power seem more acceptable to the public. These terms mask the fact that Large-scale Wind Power installations are **industrial** installations. While many of these installations have been placed on farmland, they are *not* farming operations. 476' towers with their necessary related infrastructure including sub-stations, 400+ ton concrete foundations, 152' blades, ongoing disruptive noise, and large vehicle maintenance infrastructure have all the elements of industrial operations. While heavy machinery and the noise and smells of farming operations have an industrial component, the size of Industrial Wind structures, the noise they produce (both audible and inaudible), shadow flicker events, and night lighting to meet FAA requirements leave a very different impact upon the quality of a rural landscape. Unlike traditional farming operations, they impact the environment, the view shed and the communities that host them in a far more potentially intrusive and problematic manner. Also, installed electrical infrastructure can shift a farmer's access to their own lands and their ability to live in quiet enjoyment on their own property. There is a certain clarity to the term "Industrial Wind Power" that the term "Commercial Wind Power" lacks. Commercial Wind Power can be misconstrued as a wind installation that provides power for a local business or commercial establishment. As stated, Industrial Wind turbines produce power that is fed into the grid for offsite consumption.

FOCUS: The committee also made an early commitment to focusing its emphasis on those subjects and evaluating all issues from the viewpoint of all of the Hammond town residents; particularly the non-participants who grew up in Hammond knowing and enjoying the area, or moved to Hammond because of the quiet rural, recreational, scenic environment that exists in Hammond. Committee members are not against progress and did not want to eliminate opportunities, but when making final recommendations the questions: "at what cost" and "to whose detriment" were necessary components of any recommendations. They wanted to be sure that the interest of every citizen was protected and that no one would be jeopardized as a consequence of a benefit to another. Each issue was judged by what was the benefit to the town and all of its residents, not any particular group or sub-group.

Unfortunately, the Town of Hammond does not have a comprehensive plan by which a project like industrial wind could be judged. We strongly urge the town to investigate the process of developing a comprehensive plan. Short of that, the town does have the Hammond Site Plan and Subdivision Law that has been in effect since 1992 and is the basis for the current Planning Board. Relevant portions of the Site Plan law were distributed to the committee and the

committee was asked to judge the various issues relative to the existing Town of Hammond wind law. Included in the law dealing with site plan review are the following requirements:

- 1) *Proposed development should be visually compatible with the character of the Town and Village*
- 2) *Compatibility of the development with the natural features of the site and the surrounding land uses*

As one of the members of the planning board stated during the October 20, 2010 Hammond Planning Board meeting referring to site plan review, "We have this law right here, we have to abide by it."

COMPREHENSIVE LAW: As the Wind Advisory Committee listened to various presentations, talked to state and county agencies, and communicated with other municipalities, the one message that repeatedly came through was the fact Hammond cannot rely on anyone else to protect it. If Hammond wants to have an issue addressed, a control in place, or a regulation established, it is going to have to be in the Hammond law. The New York State Department of Environmental Conservation (NYS DEC) will address some water and wetland issues. Any and all other issues need to be addressed in the local law. As a consequence of home rule, Hammond has the obligation, as well as opportunity, to lead in protecting the town's long-term sustainable interests. The town cannot rely on any county or state agency to protect its interests. The local law needs to be comprehensive. Issues that need to be addressed by the developer need to be clearly stated in the town law. If it's not in the law, it will not be a requirement and will not be addressed. Even the state environmental review reports are just that, reports. They are not a basis for permits or approvals by themselves. Hammond needs to control its own destiny.

SAFETY: Safety issues are primarily addressed through the setbacks required from roads, non-participating property lines, residences and from the village. Accidents do happen, regardless of how well a project is managed, inspected or otherwise controlled. On October 16, 2008, a catastrophic turbine failure in Searsburg, Vermont occurred; the Noble Energy project in Altona, NY experienced a catastrophic collapse on March 6, 2009; a Fenner, NY wind turbine collapsed on December 28, 2009. Fortunately, no one was injured in any of these incidents. In November 2010, Iberdrola had to stop work on its Herkimer County project, *Hardscrabble Wind Farm*, because of significant problems with the concrete foundations that support the turbines, and earlier this month, March 17, the rotor and blades unexpectedly fell off another Iberdrola wind turbine in their Rugby, ND project. These failures and accidents are tracked and a current report is always available at the *Caithness Windfarm Information Forum* (www.caithnesswindfarms.co.uk).

CONSTRUCTION: The Wind Advisory Committee attempted to address some of the potential construction issues that may occur by:

- 1) strengthening the project management requirements
- 2) creating an enhanced complaint review and resolution process with shorter response time requirements
- 3) appointing a Project Oversight Board.

The committee would like to remind the Town Board and all Hammond residents that if this project goes forward, there would be, at the minimum, a two-year project construction period where life in Hammond would be significantly impacted. Committee members felt there had been little discussion about this phase with the public and most were unaware of the extent of such a project. The proposed industrial wind turbines do not grow from magic beans. This will include but not be limited to: a substantial amount of heavy equipment in town, new roads being built, scores of out of town workers populating our town, blasting, equipment and materials

being stored or staged. In addition, ongoing regular maintenance will take place every year, again requiring heavy equipment materials and a substantial disruption to rural life.

EMPLOYMENT: There has been considerable speculation regarding employment as a result of the potential project. This would result from two sources:

- 1) Temporary employment: During the construction phase, trade union construction employment opportunities would exist. Union personnel primarily from outside of Hammond would fill the positions. When questioned about the impact of this situation, Iberdrola representatives were not able to give the committee any firm description of where the workers would be housed, how they would be fed, how they would be transported to and from the job site.
- 2) Permanent employment: Iberdrola was also not able to give the committee any detail regarding permanent employment. There had been some public speculation regarding \$100,000 jobs to be available to those with BOCES certification, but there was never any proof of that actually occurring.

MOTIVATION: Why industrial wind development? Why Hammond? These are good questions, but they do not impact on the wind law content, consequently the committee did not deal with the questions in any depth. The Town Board may want to explore the issue before making any final decisions to properly comprehend the motivation of a wind developer. According to data obtained from the Federal Energy Regulatory Commission website, a typical industrial wind power project operates at 20% to 30% output efficiency. The wind speed maps that were generated by AWS True Power, among others, listed the wind speed in Hammond in the fair to poor range, placing it at the lower end of the efficiency range. Having this understanding is important when making a decision as to whether a project like this is viable and appropriate for Hammond. That is why documentation regarding wind data information was added to the data required by the applicant when completing the project application. This data would come from an independent wind measurement tower that provides data made available to the Town Board and community residents. It should also be noted NYSERDA does not list St. Lawrence County on its list of appropriate upstate counties for industrial wind development. The Federal subsidies for industrial wind development have been substantial. Iberdrola Renewables parent company recently reported its 2010 financial results indicating a \$4 billion profit with \$1 billion coming from the US government. The economic downturn has had an impact on the wind industry and the current subsidy programs are in jeopardy. The Town Board must be sure that Iberdrola or any wind developer interested in commencing a project in Hammond has the staying power and will not abandon their responsibilities.

PILOT: The committee removed references to any PILOT requirement from the law as it felt this was an issue requiring Town Board involvement and resolution. The committee does believe that this is a critical issue for the town if this project goes forward and that the Town Board should jealously protect its control over the process and obtain the best professional advice regarding this matter. The PILOT concept was not created for this type of application and is normally applied for a limited time to a developing project to create permanent employment or tax base and is then phased out. The town should explore every possible option.

BIRD AND BATS: The Wind Advisory Committee benefitted from the input of *Save the River, 1000 Island Land Trust, Old Bird, Inc.* and several well-qualified speakers or written sources regarding the wildlife, bird and bat issue. Hammond's long shoreline on the St Lawrence River, and Black Lake; Chippewa and Crooked Creeks and various wetlands that are a highly complex and completely unique, natural environment have not been scientifically investigated. The waterfront is a prime location for numerous migratory birds, raptors and birds that are especially

susceptible to death by industrial wind turbines. In addition, the river-lake relationship encourages a flight corridor right through the planned industrial wind turbine placement for such birds as the bald eagle, which is on the NY State endangered species list. Recent reports of larger than expected bird kills on Wolfe Island after an installation of an industrial wind project are providing “real life” data and are an indication of the potential danger. The recommended set back from the shoreline requiring intense investigation and evaluation to protect the birds is three miles. The one and a half mile set back from State Route 12 was a compromise that not all of the members agreed with. Some wanted to establish the suggested three miles from the waterfront.

UNCERTAINTY: As the work of the Wind Advisory Committee was moving to its completion, several committee members expressed their concern whether industrial wind development was appropriate for Hammond. Hammond's unique geographic location, the potential bird mortality, view scape issues in an area that relies so heavily on tourism and recreational properties and the related tax base, and questionable or conflicting reports on practically every issue, led the committee to enter into a debate as to the appropriateness of industrial wind turbines in Hammond at this time. While there was near unanimous agreement that the proposed wind law changes should be enacted, it would be prudent for Hammond to enter into an additional three to five year moratorium to allow for adequate and scientifically staffed radar, sonar, and other data collection and analysis to be completed to address questions regarding potential bird, bat, and other wildlife impacts. This extended time could also be used to evaluate industrial wind development's consequences for property values of adjacent lands. Such a moratorium would permit further research and evaluation as to the wisdom of siting industrial wind development in the town.

SUGGESTED WIND LAW MODIFICATIONS and RATIONALE

The intent of this portion of the report is to provide the Hammond Town Board and the community with insight into the decisions of the Hammond Wind Advisory Committee for the suggested modifications they have put forth for the current wind law. To avoid confusion, this document follows the format that exists within the recommended law and addresses each of the five Articles, describing only the changes that are being recommended by the committee. Those articles include:

Article I. General Requirements - outlines conditions applying to all Articles within this law.

Article II. Wind Energy Facilities - outlines requirements for large wind systems; rated output of more than 100 KW.

Article III. Wind Measurement Towers - covers these temporary towers only.

Article IV. Small Wind Turbines - covers those rated at 100 KW or less.

Article V. Miscellaneous – covers fees, project management and oversight, and enforcement.

Article I. General Requirements

Section 1.01: Title

Section 1.02: Purpose

Section 1.03: Authority

Section 1.04: Findings and Determinations:

Based on the investigation of informational materials presented to and reviewed by the committee, it was concluded the definitive statements made in the original law were not defensible. These statements were modified to better reflect current available information.

Paragraph 15: This paragraph was modified for the following reason. It was the belief of the committee that the wind law should neither eliminate nor mandate the possibility of a payment-in-lieu of taxes (PILOT) agreement. This should be an issue that is dealt with at the discretion of the Town Board.

Section 1.05: Permits Required:

The changes made by the committee in this section reflect the modifications made to the permit issuing process and point to the fact the *applicant* receives a permit, not the *project*. The expectations and criteria remain the same for any new or future owner who may become involved in an existing wind facility. They will be under the same scrutiny as the original owner.

Section 1.06: Definitions:

The committee added several definitions and modified existing descriptions to ensure understanding of their use, as well as to agree with the provisions set forth within the new recommendations.

New or modified definitions include:

- Ambient Sound
- ANSI
- Applicant
- Background Sound
- dBA
- dBC
- Decibel
- Non-Participant
- Participant
- Qualified Independent Acoustical Consultant
- Residential Property Value Guarantee Agreement (RPVGA)
- Rotor Diameter
- Setbacks
- Shadow Flicker
- Site
- Sound Pressure Level
- Special Use Permit
- Total Height
- Tower Height
- Variance and Project Oversight Board
- Wind Overlay District

Section 1.07: Applicability:

The paragraph that described any pre-existing project was removed to reflect the fact there are no existing wind energy projects in the Town of Hammond that would be “grandfathered”.

Article II. Wind Energy Conversion Systems

Section 2.10: Wind Energy Conversion Systems Permitted

Section 2.11: Applications for Wind Energy Conversion System

Paragraph A (5): Changes were made in this section that reflects the committee’s recommended increases in setbacks. These setbacks are further detailed in **Section 16 (R) - Standards for WECS**.

Paragraph A (9): The committee has significantly strengthened the original Decommissioning Plan and has rewritten it with the objective of providing as much protection as possible for the Hammond community, thus eliminating any burden for future generations. The committee took note of the limited operational life of wind turbines, most models of which have only been operated for a few years and have a rated life, as yet unproven, of only 15 to 20 years. Additionally, the committee noted that lease agreements also have a finite life and some provision for restoration of the site to its original condition must be made. The committee noted that an applicant might sell their rights to a third party, might go bankrupt or might otherwise not be capable of fulfilling their obligations for decommissioning. As such, the committee found it necessary to add the decommissioning plan to the application. Language from laws of other towns was used as reference. A non-functional turbine is a public hazard due to

risk of over-speed in the no-load or unregulated condition and subsequent blade throw; collapse due to fatigue failure of its mechanical and structural components (foundation, bolts, shafts...) and ice throws and falls.

Paragraph A (10): The committee noted that the model language for complaint resolution was vague and they discussed various methods for handling this process. The resulting recommendation modifies the existing language to accelerate the response time and strengthen the overall process. The recommended process is detailed at length in a section that was added to the original law entitled **Section 15 – Complaint Resolution Process**. An Oversight Board was proposed to attempt to resolve any disputes and if not feasible, it would appoint an arbitrator to resolve the issue.

It is anticipated the applicant will respond to this section with their internal plan for handling complaints including such provisions as assigning a posting of contact information, assigning a corporate official as the designated individual to receive complaints, a complaint tracking and resolution process. One practical problem for our town is that specific individuals (i.e. codes enforcement officer, supervisor) could have conflicts of interest that might require them to recuse themselves from complaints related to any specific project. An oversight board would be better situated to evaluate disputes than any specific official but in the end complaints will occur and will likely result in legal action by the parties involved if the town cannot broker a satisfactory solution.

Paragraph A (11): This change reflects the project management piece that the committee incorporated into the recommended changes in the original law. This piece is detailed in **Section 35 - Project Management and Oversight**.

Paragraph A (15a): Shadow Flicker was a concern for several committee members. It should be noted that page 527 of the Wind Energy Handbook states shadow flicker impacts 10% of adults. Additionally, committee members spoke of family members who are subject to seizures, were concerned for anyone with those issues living in an area near a proposed wind energy facility. **(Reference: Wind Energy Handbook, Burton, et. al., ©2001 Wiley ISBN-13: 978-0471489979)**

Paragraph A (15 e): The committee recommended this would become a duty of the town appointed Variance and Project Oversight Board (VPOB).

Paragraph A (15 i): The committee discussed their concerns about this issue and felt it was necessary to strengthen the analytical requirements and add an additional layer of protection for property owners. They felt this was particularly important since there is no public water supply and everyone in the town of Hammond relies on wells for their water.

Paragraph A (15 j): The town of Hammond has within its boundaries many cultural and historical landmarks. The committee added this paragraph to ensure this issue was sufficiently addressed given the magnitude any proposed project would have on the area.

Paragraph A (15 k): Members of the committee felt this paragraph needed to be strengthened to reflect the data that has come to light since the original law was developed and enacted. The Town of Hammond lies between two important bodies of water that include critical migratory flyways. The data that has been collected in just the past year from the Wolfe Island wind project in our neighboring Ontario has many

environmentalists concerned and the continued monitoring of that situation will be critical to any project that is proposed along the St. Lawrence River. The issue of the Indiana Brown Bat and white-nose syndrome is also a concern as Hammond borders Jefferson County where a project was delayed for that reason. In addition, Hammond is covered with Federal and State wetlands filled with wildlife that should be considered.

Paragraph A (15 m): Blade throw was a topic of considerable discussion between committee members and during presentations made to the committee. This paragraph was added to reflect the concern of the committee that the application should include an independent report on blade throw from a reputable engineer with no connections to the wind development industry.

Paragraph A (15 n): While the stray voltage issue is addressed in **Section 16 – Standards for WECS**, it is not included in the application section of the original report. The committee felt the lack of a pre-construction assessment was a concern. In a report from another town who was developing a wind law, that committee had information that stray voltage could be problematic unless the facility is properly grounded. This could be challenging in the case of a system that is constructed in an area with thin topsoil. The native limestone is a very poor electrical conductor. In their discussions with local geotechnical and structural engineers that have experience with subsurface investigations for wind farm developments, testing for electrical conductivity of soils is common.

Paragraph A (16): There was concern among committee members that a wind project could be installed before there was a market for the power it would produce. This paragraph was strengthened to ensure a project is not built on speculation only.

Current Paragraph A (18): As was mentioned previously, it was the belief of the committee that the wind law should not eliminate or mandate the possibility of a payment-in-lieu of taxes (PILOT) agreement. This should be an issue that is dealt with at the discretion of the Town Board. As a result, paragraph 18 in the current law was removed and replaced with the following: **Recommended Paragraph A (18):** There was insufficient mention in the current law of liability insurance with regard to any wind development project. The committee felt it was imperative this paragraph be added in order to provide the protection to the town and its residents.

Paragraph A (19): The issue of conflict of interest has been front and center during the process of devising a wind law for the town of Hammond. The committee added this paragraph to address the situation that the town currently finds itself in and hopes to provide transparency and reinforce the “ethics code” that was recently revised and implemented by the Town Board.

Paragraph A (20): A topic that was discussed early on in committee meetings dealt with the issue of the wind resources in the town that would justify the installation of an industrial wind projects. According to the NYSERDA information that is available, St. Lawrence and Jefferson counties are not included in the list of counties with sufficient wind to warrant large-scale wind projects. When committee members questioned an applicant interested in the area about the amount of wind and the readings they were obtaining from their installed wind measurement towers, the answer was, “It is proprietary information.” In response to this, the committee recommended adding this

paragraph requiring an independent analysis of the natural wind resources available in this town. This would help to ensure transparency in the process.

Paragraph A (21): The committee added this paragraph to enforce **Section 34 – Miscellaneous** thus ensuring appropriate financial means to cover any review of the application process.

Paragraph A (22): The committee feels it is important to make copies of any application for a wind development project available to all governing bodies and the public in a timely manner as well as in multiple locations and in multiple methods (hard copies, CD's, and on websites).

Section 2.12: Application Review Process

Paragraph F: The committee recognizes the importance of informing the general public regarding any plans that may be proposed for the town. Notification of such events should be done in a way that reaches the largest parts of the town population possible.

Paragraph G: Same explanation as Paragraph F.

Paragraph I: This paragraph was modified to reflect the recommended setback increases.

Paragraph K: The committee modified this paragraph in order to strengthen how the process was conducted previously, thus ensuring the interests of all community members are taken into consideration during all parts of the process.

Paragraph L: This paragraph was added to address the transparency of the application review and approval process. The committee felt it was important to add a statement that facilitates the “hard look” requirement in the review process. They wanted to ensure there would be a documented trail of information where the Planning Board explains in written detail how they arrived at their decision and attaches all documentation that was used to arrive at that conclusion.

Paragraph M: This paragraph was included to reinforce the issue previously mentioned regarding the fact a special use permit is issued to the applicant only and not to any future owner.

Paragraph O: The committee recommended that the length of the special use permit be shortened. This would help to maintain consistency with the decommissioning process and the length of time these permits are allowed to be issued.

Section 13: Waiver of Criteria:

The committee recommended repositioning this section to ensure consistency. As is stated in the first sentence of the paragraph, it is describing “any of the above criteria” and should be in place prior to the Section entitled Standards for WECS.

Section 14: Residential Property Value Guarantee Agreement (RPVGA)

The committee believes that the potential for the residential property values of non-participants to be impacted by an industrial wind development in Hammond would be a grave concern to all taxpayers, both permanent and seasonal. The value of one's home is often their single most

important asset. The potential impact on that value caused by the construction and maintenance activity, potential disruption to water supply, health related issues, view scape, and noise level impacts are just some of the issues that would concern the people of Hammond. As cited in the **Findings and Determinations** section of the current law, "If not properly sited, Wind Energy Systems may adversely affect the property values of adjoining property owners." The committee members reviewed a number of documents and reports regarding the property value issue. Some stated that there would not be a decline in the values of properties that neighbor industrial wind developments and some stated there would be a decline in property values. Whether or not any property owners would experience loss of property value remained to be seen. The committee found other municipalities have used property value guarantee arrangements to give comfort and protection to those residents potentially affected by an adverse impact on their residential property values. A local example can be seen in Lewis County where, over ten years ago, they included a Property Value Guarantee arrangement for those near the Rodman Landfill. Canastota Windpower LLC (Fenner Wind Project, Herkimer County) offered a Property Value Assurance Plan to certain landowners to protect them from the remote possibility that the value of their owner occupied property will be diminished due to the presence of Canastota's Windpower's wind turbine generators on adjacent parcels. A Property Value Guarantee Agreement was offered in Dekalb, IL by FPL Energy Illinois Wind, LLC.

The committee asked committee member and Attorney Richard Champney, to develop a plan that eventually became known as a Residential Property Value Guarantee Agreement (RPVGA). The majority of the committee felt that because the wind company had stated their confidence that there would not be a loss in property values, a property value guarantee should not pose a financial burden for them. The committee saw this as a win/win scenario. If the developer were right, it would cost them nothing. If they were wrong and property owners in the Town of Hammond experienced a loss in property values, the developer would make up the difference. What was most interesting is that the ink had barely dried on the proposed (RPVGA) when developer's attorney sent a letter indicating that by adopting the RPVGA, it would cause the developer to pull out of Hammond. They went on to state it was unnecessary, too costly, and completely contrary to their position that there would be no loss in property values. Some members of the committee took this action as admittance on the company's part that they could not guarantee there might be some loss in property value. This seemed to further the resolve of the committee to protect the non-participating property owners in the town by adopting the RPVGA.

The Committee voted 9:1 in favor of making a Residential Property Value Guarantee Agreement part of the Hammond wind law.

Section 15: Complaint Resolution Process

The committee expanded and enhanced the Complaint Resolution process that was included in the current law. It also recommended making it into a separate section in order to give it the attention it deserves. The committee felt the current law was deficient in this area and wanted the town to be much more specific in outlining the types of situations that would be addressed and the manner in which they were addressed. Committee members were adamant that the resolution process be completed in a timely manner. In reviewing projects throughout the state, the committee learned there were often complaints in other projects that had not been dealt with or resolved in a timely way.

Section 16: Standards for WECS

The order of this section was changed due to the duties that were assigned to the proposed Variance and Project Oversight Board (VPOB). In the current law, the Planning Board had the ability to make changes or approve variances.

Paragraph A: This paragraph was included to ensure the judgment call will not be left up to the applicant but rather to the proposed (VPOB).

Paragraph D: Tower lighting has a significant impact on the nighttime view shed. The committee added the requirement for “*motion-sensitive on-demand lighting*” to the existing paragraph in order to provide for the least intrusive environment possible.

Paragraph F: The committee felt there should be no guy wires associated with a large WECS.

Paragraph G: The sentence added to the end of the existing paragraph addresses the issue of fines for non-compliance and refers the reader to **Section - Miscellaneous** for further detail.

Paragraph O: This paragraph pertains to a variance issue and should be directed to the Proposed (VPOB).

Paragraph P: The sentence added to the end of the existing paragraph addresses the issue of fines for non-compliance and refers the reader to **Section - Miscellaneous** for further detail.

Paragraph Q: The town of Hammond has within its boundaries many cultural and historical landmarks. The committee added this paragraph to ensure this issue was sufficiently addressed given the magnitude any proposed project would have on the area.

Paragraph R: Setbacks: The setback issue was a time consuming topic for this committee. Individually, committee members did extensive investigation into scientific studies relating to catastrophic collapse, ice throw, blade projectile travel distances, shadow flicker problems, visual domination, bird and bat migration, noise issues and health impacts. The committee also reviewed a variety of wind laws within New York and other states, both current and under review. Some members felt that, similar to the Hammond Wind Law of 2009, many of these laws were based upon outdated information and conflicted input. They felt it was important to not only review a variety of scientific studies and recommendations brought forth by other international, national, and state communities, but to ensure this information was as current as possible.

Dr. Paul Carr demonstrated (mathematically) that ice and blade separation debris could be thrown up to two and one half times the total height of the tower (at normal rotational speed). Professor Terry Matilsky of Rutgers University has calculated a 370-foot tall wind turbine can throw ice and blade debris 1680 feet. The larger turbine currently proposed for Hammond (476-foot tall) is expected to be able to throw projectiles much further.

Prior reference has been made to several catastrophic tower failures over the past two years in the northeast, with incidents occurring within the past few weeks. Following the Noble wind turbine collapse in Altona, NY during March 2009, local pilots Mike and Victor Fellion of Malone, NY flew over the accident site in a plane. Mike was quoted in the Plattsburgh Press Republican as having seen debris pieces thrown a quarter-mile away. Turbine failure continues to plague the industry as two more incidents were recorded in the United States in just the last two weeks, one at an Iberdrola project in North Dakota (March 14, 2011) where the whole blade and hub assembly completely fell off the nacelle due to mounting bolt failure and one at a NextEra project in Illinois (March 20, 2011) where debris was found almost a quarter-mile away. As was mentioned in the Wind Committee Report, there is an ongoing website that tracks all incidents and accidents related to industrial wind:

Caithness Windfarm Information Forum (www.caithnesswindfarms.co.uk).

Reports have indicated a small number of people living in close proximity to an industrial wind facility are affected causing various medical problems. Representatives from Iberdrola agreed that Industrial Turbines could cause symptoms. A 3000-foot setback is generally thought to be enough distance to eliminate many of these problems. Iberdrola also acknowledges that 3000-foot is a recognized distance of interest when offering “Good Neighbor Agreements. In addition, setbacks were a topic of discussion by the Concerned Residents of Hammond’s presentation to the wind committee with a position paper, a manual and CD’s containing 50-plus reports that were referenced in the paper, along with a 30-minute power-point presentation that provided visual information to supplement the written report.

As a result of the information that was researched and presented from various sources, the committee felt their priority was to protect all residents of the community and eventually voted to increase the existing setbacks and develop additional setbacks. It should be noted the increases and additions were not unanimously agreed to but the majority ruled in this particular situation. One member was adamant that there was not enough data and information to make an informed decision on the setback from the river and encouraged the committee to recommend a 3-5 year moratorium on wind development to allow time to gather additional data and to do further investigation, particularly regarding the impact on avian species.

As stated previously, setback requirements attempt to address a myriad of concerns from aesthetics and property values to safety and health. Some examples include:

AGENCY/GOVERNMENT/AUTHOR	MINIMUM DISTANCE FROM TURBINE
Eskdalemuir, Scotland Wind Committee	10KM (6.2 Miles or 32,736 Feet)
Welsh Select Affairs Committee	5 KM (3.1 Miles or 16,368 Feet)
Riverside County, CA	2 Miles (10,560 Feet)
United Kingdom Noise Association	1.5 Miles (7,920 Feet)
Fayette County, PA	1.1 Mile (6,000 Feet)
Beech Ridge, WV	1 Mile (5280 Feet)
Trempealeau, WI	1 Mile (5,280 Feet)
Ontario Ministry of Environment	25 Turbines/105 dBA = 4125 Feet
French Academy of Medicine	1.5 KM (4752 Feet)
Lyme, NY	4500 Feet
Kamperman & James	1 KM (3281 Feet)

These examples are only a sampling of a large volume of setback requirements that are in effect in Europe and North America. The point being, that there is little established consensus and the limits set are often reflective of the local focus of concern and priorities, safety and health issues versus maximum concentration. If your only concern is to see how many wind turbines you can get into the Town of Hammond, you establish a minimum setback. There are ample examples of communities that permit setbacks less than those recommended by the Wind Advisory Committee. The notion that the town should put the public and local residents at a greater risk so that developers can maximize the output of the project was not one the committee was willing to recommend. Public safety is the main concern when determining a setback distance. The quality of life of the residents of the community is also a significant concern.

The committee voted 9 to 1 to adopt the following setback distance recommendations:

1. Six-times of the height of the turbine from the Hammond village boundary, all roads, and all non-participants property lines.

After much investigation and discussion, this particular setback distance recommendation is the culmination of the thinking of individual committee members in a way that takes into consideration the health, safety, and welfare of the community.

2. 1000 feet from all wetlands

Wetlands are complex and delicate ecosystems. Changes or disturbances to these systems can be detrimental to the local wildlife. Industrial wind turbines have been proven to kill birds and bats. This setback distance will reduce the chance of wetland damage during construction and operation of any industrial wind project. Additionally, wetlands are often feeding areas for birds and bats, and this setback distance can help reduce the close proximity of these species to the turbines.

Wetlands also provide critical flood, storm water and erosion control along with protection to surface and ground water. They provide nutrient cycling and are one of the most productive habitats for fish and wildlife. There is also a concern about fluids that can leech from these commercial turbines in cases of mechanical failure, resulting in possible environmental contamination to wetland areas. We believe there would be a series of unintended consequences on our environment as a result of sitting turbines close to wetland areas.

3. 1½ miles from State Route 12 for 375' to 500' turbines and 1 mile from Route 12 for turbines less than 375'.

The committee heard a presentation and received materials from *Save the River* and *Dr. Bill Evans of Old Bird, Inc, the Concerned Residents of Hammond, the Black Lake Chamber of Commerce*, and from other individuals that included information about the special waterway resources that surround Hammond. The information mentioned the fact the Hammond area waterfront has been a quiet and solitary place for fishing, hunting, boating, kayaking, canoeing, sailing, scuba diving, swimming, water skiing, camping, snowmobiling, and ice fishing. There are three marinas, two state parks and numerous campgrounds, cabin rentals, as well as vacation homes and year-round residences. The shorelines

adjacent to Hammond between the St. Lawrence River and Black Lake have been designated as a New York State Significant Natural Community and as an Audubon Society Important Bird Area. It is part of the Thousand Island recreational areas and the Great Lakes Seaway Trail and includes Ironsides and Crossover Islands, both designated as National Historic Landmarks. The ornithological testimony heard by the committee suggested that waterfront environments like Hammond's require a three-mile setback to provide minimum protection to the avian population. It was also pointed out that in order to recognize the value of resources like the St. Lawrence River, New York State has developed policies for the protection of these resources and has a program to identify areas for special designation (including NYCRR Title 19 and the Scenic Areas of Statewide Significance - SASS). This could provide an opportunity for future waterfront restoration grants.

There was discussion among the committee as to setback rules regarding the river coast line and it was decided that a less complex formula would be to utilize Route 12 as the setback perimeter. There was debate regarding the distance of an appropriate setback, and while three miles was initially suggested, the committee compromised on 1 ½ miles from Route 12 for turbines of 350'-500' and 1 mile for those under 350'.

4. Environmental/Wildlife setbacks from the St. Lawrence River and Black Lake

The committee would like to propose the town give consideration to the following recommendation made by committee member, Dr. Steven Sarfaty: *“Due to the lack of evidence on the impact of an industrial wind project on the local bird and bat populations, a three-to-five year moratorium should be put in place to permit further evaluation and give time for an extensive study to collect data on which to base our recommendations. Alternatively, the town could implement a three-mile setback from both the St. Lawrence River and Black Lake.”*

Section 17: Required Safety Measures

Paragraph G: As a result of the committee recommending the establishment of a Variance and Project Oversight Board (VPOB), many of the duties originally assigned to the Town Code Enforcement Officer will become the responsibility of the VPOB.

Section 18: Traffic Routes

Paragraph A and B: The committee felt it was important to involve both the town and county highway superintendents when applicable in order to ensure maximum efficiency of the process maintaining traffic conditions within the town.

Paragraph D: The added words in this paragraph address an important aspect of the process. Unexpected situations will arise regarding maintenance of the project, thus making road repair for the life of the project an important addition.

Section 19: Noise Standards for Wind Energy Conversion Systems

To educate themselves on the issue of noise and sound levels, the committee heard presentations from several experts in field including: Dr. Paul Carr, Clifford Schneider, Charles Ebbing, Mark Bastash, and Dr. Paul Schomer. This was probably the most

discussed topic that the committee considered and they quickly realized the difficulty there was in understanding the science behind it. Unlike most of the other topics, sound is very developed scientifically with substantial research and analysis available. Unfortunately, this did not eliminate the controversy and lack of consensus regarding appropriate sound levels around industrial wind projects.

To better understand the sound issue, several members of the committee were informally trained to use sound equipment and they voluntarily gathered non-scientific data that helped to familiarize them with the process of determining what noise levels could be in quiet, rural settings. While the data collected was not part of a formalized study, it did show those members who participated that the sound levels could reach the 20 to 25 dBA range.

The committee was presented with sound language that was developed by Dr. Schomer, who is an internationally recognized acoustic expert and chairman of the Acoustical Society of America Committee on Standards. This was solicited by interested members of the committee and community and was presented as an option that provided realistic, fair, and scientifically sound wording based on accepted standards in acoustic science. Those working with Dr. Schomer requested a balanced process that would be defensible, would stand up to critical scrutiny, and would best protect the interests of all of the citizens of Hammond. The recommended language divides a 24-hour day into 3 segments and establishes noise limits for each with the lowest decibel levels being issued to the nighttime hours (10 PM - 7 AM), a time when most people would be asleep. The 35 dBA level represents a decrease from the 45 dBA level found in the current law. It should be noted that a level of 45 dBA is allowed during the hours of 7 AM – 7 PM.

The one point that the committee took seriously and had almost total agreement on, was the fact that Hammond, being a rural community, is populated with residents that have come to expect a quiet, calm, and serene surrounding. The committee found that there was ample, credible evidence to support the notion that a community like Hammond could justify the sound criteria proposed by Dr. Schomer. The committee feels there is substantial professional opinion that states an acceptable nighttime maximum sound level, on the average, was 45 dBA with rural communities like Hammond experiencing nighttime levels at least 10 dBA lower, as suggested by Dr. Schomer. If the residents of Hammond wanted to live in an environment that is indicative of midtown metropolitan areas, they would have settled there.

The sound language does not include setback distances as Dr. Schomer felt it is much more appropriate to deal with each application on its own merits, taking into account the ground surface in the area, the number and placement of the wind turbines, and the sound power produced by the particular model of the WECS. It also includes an enforcement piece that provides specific recommendations to be followed by qualified individuals.

Section 20: Variance and Project Oversight Board (VPOB)

The committee became concerned with the magnitude of an industrial wind project and Hammond's ability to manage the enterprise from the initial review of the application to decommissioning. It proposes a recommendation to create the Variance and Project Oversight Board (VPOB) that would be activated upon receipt of an application. The Town Board would make appointments to the board that would include five town residents who were non-participants in the project and were not Town Board members. They would be appointed to five-year terms and would be dedicated to the sole objective of managing the town's interest in anything involving an industrial wind project. The committee has come to appreciate that an industrial wind complex in Hammond would be an undertaking unlike any that has been seen in Hammond in its entire history. This could result in a \$200 million project that would be managed and constructed by an undeterminable number of non-Hammond personnel whose only interest is bottom line profits and meeting a schedule. As the committee has found, this is still a new and changing technology, mammoth in its impact and forever changing the nature and character of this town. It is critical that the process from the beginning to end not overwhelm the town.

The VPOB will become knowledgeable and focused on all aspects of industrial wind development. It will have the authority to evaluate and grant variances in the best interest of the town, retain and manage varied professional resource relationships as needed, manage the project escrow fund, and administer the various initiatives by the town as outlined in the law, including the Property Value Guarantee program as well as the decommissioning and the complaint resolution plans. The VPOB will formally report to the Town Board and will become the dedicated "eyes, ears and hands" for the community when dealing with any industrial wind project in Hammond.

Section 21: Decommissioning

To reiterate the previous discussion on Decommissioning from Page 2, Section 2, Paragraph A9, the committee felt the current law contained decommissioning language that was not sufficiently detailed and did not provide appropriate or current protections for the community. After researching the wind laws from several towns and looking into more current information regarding salvage prices and the decommissioning process, several new items were added. Of particular interest was the funding of the decommissioning process. The current law states that an applicant should "maintain a bond payable to the Town or a fund that may consist of a letter of credit from a State of New York-licensed financial institution, for the removal of non-functioning towers and appurtenant facilities." The downturn in the economy as well as the financial expertise of committee members were aspects that came into play in a discussion that resulted in the recommendation of establishing "a fund of no less than 125% of the cost of full decommissioning (including salvage value) and restoration in the form of cash on deposit with the Town or cash held in escrow in a New York licensed-financial institution". The committee felt this would help protect the town and its assets as most "bonds" of this type are non-secure and are typically never issued for projects of 20 years. They also felt a "letter of credit" carries "no weight" in the current economic environment.

Section 23: Permit Revocation

Paragraph A: There was much discussion over the weeks about the issue of sound and noise and the resulting impacts if the regulations and guidelines were not

followed. The committee felt it was important to add a sentence to this paragraph that pointed out the importance of immediately addressing any situation where a WECS exceeds noise limits set forth in the law. Shutting down a con-compliant WECS leaves no option for error or pushing the limits.

Paragraph B: This paragraph addresses the operation of a damaged WECS and the committee again felt the addition of a sentence that orders the WECS be shut down immediately is the only way to ensure protection of the community.

Paragraph C: This paragraph points to another responsibility that has been placed in the lap of the Project Oversight Board that has been recommended by the committee who felt it added another layer of protection for the community.

Article III. Wind Measurement Towers

Article IV. Small Wind Energy Conversion Systems

Section 28: Permitted Areas

The committee eliminated the one-acre requirement because, in their review of current information and materials, they found that technology continues to evolve and there are now small WECS applications that can be attached to the side of a house or can be located on smaller lots. Some of the newer systems appear to be less intrusive to the view scape, somewhat quieter and more efficient in operation.

Section 31: Development Standards for Small WECS.

Current Paragraph A: Due to the rewording of Section 28 above, this paragraph was eliminated. The recommendation is to eliminate the one-acre requirement. The remaining paragraphs were renumbered.

Current Paragraph I will be eliminated and substituted with the **Proposed Paragraph H:** This language was also written by Dr. Paul Schomer and provides consistency with the wording and decibel levels that are contained in the **proposed Section 19** of the law.

Article V. Miscellaneous

Section 34: Fees:

Paragraph B: The depth and scope of reviewing an application for an industrial wind project and the increasing costs charged by consultants, engineers and others who may provide services to the Board and VPOB during any phase of pre-construction, construction, or post-construction, led to the committee's recommendation to increase the escrow agreement amount described in this paragraph that was previously entitled "Building Permits". It will now be called "Reimbursement of Expenses Related to WECS Project" and these funds can be used for any and all WECS related expenses incurred including, but not limited to, legal expertise,

engineering consulting, or financial consultation. The intent of this fund that will administered by the VPOB during the entire life of the project, is to ensure the community does not incur any undue expense at any time.

Section 35: Project Management and Oversight

This section was revamped and enhanced in order to provide consistency and work in concert with the creation of the VPOB. This majority of the recommendation was the result of input from a committee member who did extensive research and investigation into the topic. He felt management was an important aspect of any industrial wind project and his recommended oversight format helped to strengthen the options the town has to maintain control over any project for the entirety of its life. This management piece curtailing the duties of the town enforcement officer and moves the majority of the responsibilities to the VPOB.

Section 36: Enforcement; Penalties and Remedies for Violations

Paragraph E: The committee's recommendations for the an enhanced and detailed complaint resolution process (as described in Section 15) led to specific fines being assigned to each level of violation. This paragraph provides space for detailed amounts, set and reviewed annually by the Town Board, to be listed. The committee felt it was the total responsibility of the Town Board to undertake this task.